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Superior Court of California
County of Los Angeles

DEC 04 2018

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Attorneys for Plaintiff

NO FEE – GOV'T CODE §6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

ROSALINDA KNOBLER GRANDIN, an individual;
YOLANDA RUIZ, an individual; CHRISTINA
KNOBLER, an individual; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: **18STCV07023**

**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[HEALTH & SAFETY CODE SECTION
11570, *ET SEQ.*; CIVIL CODE
SECTION 3479, *ET SEQ.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People"), for the purpose of abating, preventing and enjoining a gang and narcotics-related public nuisance that exists at an East Los Angeles duplex at 2422 and 2424 Cincinnati Street, Los Angeles CA 90033 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.* and the Public Nuisance Law ("PNL"), Civil Code sections 3479-3480. The Property is 650 feet of Sheridan Street Elementary School.

1 2. The Property, located in the Los Angeles Police Department's ("LAPD")
2 Hollenbeck Division, has been, and continues to be, a narcotics nuisance where the sale of
3 methamphetamine and other controlled substances takes place on a regular and continuous
4 basis to drug users and buyers who walk up to the Property via the alley to purchase drugs.
5 The Property has, and continues to have, a well-known reputation in the surrounding
6 community and with LAPD as a major hangout location of the Krazy Ass Mexicans criminal
7 street gang ("KAM"). The Property is a refuge from police for KAM gang members who loiter
8 at the Property to use and sell drugs. Over the last six months, law enforcement has made
9 four arrests at or connected to the Property. These arrests include narcotics sales and the
10 recovery of two illegal guns from documented KAM gang members. During the service of a
11 search warrant at the Property by LAPD, narcotics and an illegal firearm were recovered.

12 3. Defendants Rosalinda Knobler Grandin ("Defendant Grandin"), a 65-year-old
13 woman, and Yolanda Ruiz ("Defendant Ruiz"), a 70-year-old woman, have owned the
14 Property since at least December 1999. Defendant Grandin's daughter, Christina Knobler
15 ("Defendant Knobler"), age 33, has lived at the Property since at least 1999, residing in the
16 rear house with the address of 2424 Cincinnati Street. Defendant Knobler was arrested twice
17 at the Property for narcotics-related offenses and is currently on probation for a 2014
18 narcotics arrest at the Property. Defendant Knobler is a convicted felon for burglary.
19 Defendant Knobler is directly involved in the narcotics activity at the Property and is allowing
20 gang members to "hangout" at the Property and sell narcotics there. Defendant Knobler was
21 arrested during service of the search warrant at the Property for maintaining a location where
22 narcotics are sold and on an outstanding warrant.

23 4. Plaintiff is filing this lawsuit in an effort to protect public safety. The surrounding
24 community cannot be expected to perpetually endure this ongoing dangerous activity. The
25 nuisance abatement prosecution is intended to bring the unacceptable state of affairs at the
26 Property to a halt; to make the Property inhospitable to the gang members, drug dealers and
27 buyers who now freely use it to deal narcotics; and to make the Property safe for people in the
28 area.

II. THE PARTIES AND THE PROPERTY

A. Plaintiff

5. Plaintiff, the People, is the sovereign power of the State of California designated in California Health and Safety Code section 11571 to be the complaining party in actions brought to abate, enjoin, and penalize public narcotics nuisances.

B. The Defendants

6. Defendant Grandin is the co-owner of the Property and has been since at least December 1999. Plaintiff is informed and believes and thereon alleges that Defendant Grandin currently resides at the Property in the front house with the address of 2422 Cincinnati Street.

7. Defendant Ruiz is the co-owner of the Property and has been since at least December 1999. Plaintiff is informed and believes and thereon alleges that Defendant Ruiz does not currently reside at the Property.

8. The true names and capacities of defendants sued herein as Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names. When the true names and capacities of said defendants have been ascertained, Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of said fictitiously named defendants.

C. The Property

9. The Property is a duplex located at 2422 and 2424 Cincinnati Street, Los Angeles, CA 90033.¹ It consists of two separate residences located on the same parcel in a quiet residential neighborhood. The residence at the front of the Property is 2422 Cincinnati Street, and the residence at the rear of the Property, near the alley is 2424 Cincinnati Street.

¹ The Property's legal description is "Lot 8 in Block 13 of Brooklyn Heights Ganahl Tract, in the City of Los Angeles, County of Los Angeles, California, as per map recorded in Book 22, Page(s) 17, of Miscellaneous Maps in the Office of the County Recorder of said County," with Assessor's Parcel Number 5177-034-009.

III. THE NARCOTICS ABATEMENT LAW

10. The abatement of a nuisance is a long-established and well-recognized exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division" (Health & Saf. Code, § 11570).

11. The NAL provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

12. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may . . . maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance."

13. Health and Safety Code section 11573(a) provides that: "If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In addition, Health and Safety Code section 11581 provides, as an additional remedy, for the removal and sale of all fixtures and movable property on the premises used in aiding or

abetting the nuisance and for the closure of the building for up to one year.

IV. THE PUBLIC NUISANCE LAW

14. "Abatement of nuisances is a long established and well recognized exercise of the state's police power." (*People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563; *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-778.) Civil Code section 3479 defines a nuisance as "[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property" (*Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word 'nuisance' in Civil Code section 3479"].)

15. Civil Code section 3480 defines a public nuisance as "one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

16. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs, and boisterous conduct which creates a hooligan-like "atmosphere" constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

17. Under Civil Code section 3491, "The remedies against a public nuisance are: 1. Indictment or information; 2. A civil action; or, 3. Abatement." "An abatement of a nuisance is accomplished by a court of equity by means of an injunction proper and suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

18. Code of Civil Procedure section 731 authorizes a city attorney to bring an action to enjoin or abate a public nuisance. It provides, in pertinent part, "A civil action may be brought in the name of the people of the State of California to abate a public nuisance . . . by the city attorney of any town or city in which the nuisance exists." (*Ibid.*)

1 **V. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

2 **[Health and Safety Code Section 11570, *et seq.* --**

3 **Against Defendants and DOES 1 through 50]**

4 19. Plaintiff hereby incorporates by reference paragraphs 1 through 18 of this
5 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

6 20. Since at least 2018, the Property has been, and is *currently* being used for the
7 purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away
8 controlled substances in violation of Health and Safety Code section 11570, *et seq.* The
9 general reputation of the Property in the community and amongst law enforcement is that it is
10 a location where the sale of methamphetamine and other controlled substances takes place
11 on an open and regular basis by residents, gang members and/or others.

12 21. Defendants, and Does 1 through 50, are responsible for conducting,
13 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff
14 has no plain, speedy and adequate remedy at law, and unless Defendants, and Does 1
15 through 50, are restrained and enjoined by order of this Court, they will continue to use,
16 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation
17 and maintenance of the Property, together with the fixtures and appurtenances located
18 therein, for the nuisance complained of herein, to the great and irreparable damage of the
19 public and in violation of California law.

20 **VI. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

21 **[Civil Code Section 3479, *et seq.* --**

22 **Against Defendants and DOES 1 through 50]**

23 22. Plaintiff incorporates by reference Paragraphs 1 through 21 of this Complaint
24 and makes them part of this Second Cause of Action as though fully set forth herein.

25 23. Since at least 2018 and continuing through the present, Defendants and DOES
26 1 through 50 have owned, operated, managed, and used, and/or directly or indirectly
27 permitted to be occupied and used, the Property in such a manner as to constitute a public
28 nuisance in accordance with Civil Code sections 3479 and 3480. The public nuisance, as

described herein, is injurious to health, indecent or offensive to the senses, and/or an obstruction to the free use of property, so as to substantially and unreasonably interfere with the comfortable enjoyment of life or property by those persons living on the Property and in the surrounding community. The public nuisance consists of, but is not limited to, narcotics activity on the Property; the presence of illegal firearms at the Property; and the regular, menacing, intimidating, violent, and disorderly presence of gang members and/or associates at the Property.

24. Defendants, who own and/or control the Property, and Does 1 through 50, knew or should have known about the nuisance activity at the Property and failed to take reasonable steps to prevent or abate the ongoing nuisance, and as a result of this failure and their mismanagement of the Property, they have caused and/or contributed to a serious threat to the general health, safety, and welfare of persons in the surrounding community.

25. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the purpose complained of herein, to the great and irreparable damage of Plaintiff and in violation of California law.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION

1. That Defendants, Does 1 through 50, and the Property, be declared in violation of Health and Safety Code section 11570, *et seq.*

2. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with Section 11581 of the California Health and Safety Code.

3. That the Court grant a preliminary injunction, permanent injunction and order of abatement in accordance with Section 11570, *et. seq.*, of the California Health and Safety

Code, enjoining and restraining each Defendant and their agents, officers, employees and anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances on the Property, and/or directly or indirectly maintaining or permitting such nuisance activity.

4. That the Court order physical and managerial improvements to the Property in accordance with California Health and Safety Code section 11573.5, and such orders as are otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement process, including but not limited to, a prohibition on Defendant Christina Knobler's presence at or within 1000 feet of the Property at any time, for any reason; prohibiting known narcotics users and dealers from accessing the Property; and strict limitations on who else may be present on the Property at all times.

5. That as part of the Judgment, an Order of Abatement be issued, and that the Property be closed for a period of one year, not to be used for any purpose, and be under the control and custody of this Court for said period of time; or, in the alternative, if the Court deems such closure to be unduly harmful to the community, that Defendants, and Does 1 through 50, pay an amount of damages equal to the fair market rental value of the Property for one year to the City or County in whose jurisdiction the nuisance is located in accordance with Health and Safety Code section 11581 subdivision (c)(1).

6. That Defendants, and Does 1 through 50, each be assessed a civil penalty in an amount not to exceed twenty-five thousand dollars (\$25,000.00).

7. That all fixtures and moveable property used in conducting, maintaining, aiding or abetting the nuisance at the Property be removed by the LAPD and sold in the manner provided for the sale of chattels under execution. Said fixtures and property shall be inventoried and a list prepared and filed with this Court.

8. That there shall be excepted from said sale, such property to which title is established in some third party not a defendant, nor agent, officer, employee or servant of any defendant in this proceeding.

1 9. That the proceeds from said sale be deposited with this Court for payment of the
2 fees and costs of sale. Such costs may occur in closing said property and keeping it closed,
3 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
4 other costs as the Court shall deem proper.

5 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
6 allowances, the Property shall also be sold under execution issued upon the order of the
7 Court or judge and the proceeds of such sale shall be applied in a like manner. That any
8 excess monies remaining after payment of approved costs shall be delivered to the owner of
9 said property. Ownership shall be established to the satisfaction of this Court.

10 11. That Defendants, Does 1 through 50, and any agents, trustees, officers,
11 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
12 enjoined from transferring, conveying, or encumbering any portion of the Property, for
13 consideration or otherwise, without first obtaining the Court's prior approval.

14 12. That Defendants, and Does 1 through 50, be ordered to immediately notify any
15 transferees, purchasers, commercial lessees, or other successors in interest to the subject
16 Property of the existence and application of any temporary restraining order, preliminary
17 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
18 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
19 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
20 the subject of this Action.

21 13. That Defendants, and Does 1 through 50, be ordered to immediately give a
22 complete, legible copy of any temporary restraining order and preliminary and permanent
23 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
24 to the Property.

25 14. That Defendants, and Does 1 through 50, be ordered to immediately request and
26 procure signatures from all prospective transferees, purchasers, lessees, or other successors
27 in interest to the subject Property, which acknowledges his/her respective receipt of a
28 complete, legible copy of any temporary restraining order, preliminary and permanent

1 injunction, at least 30 days prior to the close of escrow, and deliver a copy of such
2 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Jennifer
3 Varela or her designee.

4 15. That Plaintiff recover the costs of this Action, including law enforcement
5 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
6 \$1,000,000.00, from Defendants and Does 1 through 50.

7 AS TO THE SECOND CAUSE OF ACTION

8 1. That the Property, together with the fixtures and moveable property therein and
9 thereon, be declared a public nuisance and be permanently abated as such in accordance
10 with Civil Code section 3491.

11 2. That each Defendant and their agents, officers, employees and anyone acting
12 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
13 operating, conducting, using, occupying, or in any way permitting the use of the Property as a
14 public nuisance. Such orders should include, but not be limited to physical and managerial
15 improvements to the Property, stay away orders for persons who have contributed to the
16 nuisance at the Property, including Christina Knobler, and such other orders as are
17 appropriate to remedy the nuisance on the Property and enhance the abatement process.

18 3. Such costs as may occur in abating said nuisance at the Property and such
19 other costs as the Court shall deem just and proper.

20 4. That Plaintiff be granted such other and further relief as the Court deems just
21 and proper, including closure and/or demolition of the Property.

22 AS TO ALL CAUSES OF ACTION

23 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
24 the service of process or notices which would have been paid but for Government Code
25 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
26 amount of the fees for certifying and preparing transcripts.

1 2. That Plaintiff be granted such other and further relief as the Court deems just
2 and proper.

3
4 DATED: December 4, 2018 Respectfully submitted,

5 MICHAEL N. FEUER, City Attorney
6 JONATHAN CRISTALL, Supervising Assist. City Attorney

7 By: Jennifer Varela
8 JENNIFER VARELA, Deputy City Attorney
9 Attorneys for Plaintiff, THE PEOPLE OF THE STATE
10 OF CALIFORNIA
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